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Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
HEATHER FONG AND JESSE SERNA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCO MAESTRINI,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation;
HEATHER FONG, in her capacity as
Chief of Police for the CITY AND
COUNTY OF SAN FRANCISCO; JESSE
SERNA, individually, and in his capacity
as a police officer for the CITY AND
COUNTY OF SAN FRANCISCO; and,
San Francisco police officers DOES 1-25,
inclusive,

Defendants.

Case No. C 07-2941 PJH

MODIFIED
**STIPULATION AND [~~PROPOSED~~]
ORDER TO CONTINUE TRIAL DATE
AND RELATED PRETRIAL
DEADLINES**

1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request
 2 modification of the Court's September 28, 2007 Case Management and Pretrial Order and March 14,
 3 2008 Order To Extend Time For Court-Ordered Mediation as follows:

4 Deadline for Court-Ordered Mediation: Thursday, December 18, 2008

5 Non-Expert Discovery Cutoff: Monday, January 5, 2009

6 Dispositive Motions to Be Heard By: Wednesday, March 4, 2009

7 Disclosure of Experts (retained and non-retained): Monday, April 13, 2009

8 Disclosure of Rebuttal Experts: Wednesday, April 22, 2009

9 Expert Discovery Cutoff: Friday, May 22, 2009

10 Pretrial Conference: Thursday, June 18, 2009 at 2:30 p.m.

11 Trial Date: Monday, July 6, 2009 at 8:30 a.m., Courtroom 3, 17th Fl.

12 The parties make this request based on the following circumstances:

13 1. Deputy City Attorney David Newdorf, who was previously counsel of record for
 14 defendants and was handling all aspect of the above-captioned case, left the San Francisco City
 15 Attorney's Office on July 11, 2008.

16 2. Deputy City Attorney Robert A. Bonta recently substituted in for Deputy City
 17 Attorney David Newdorf as counsel of record for defendants.

18 3. Deputy City Attorney Robert A. Bonta is still getting up to speed on the case.

19 4. Deputy City Attorney Robert A. Bonta will be taking an approximately three-month
 20 parental leave from approximately December 18, 2008 to March 18, 2009.

21 5. Additional discovery is still required to prepare this case for trial. For example, both
 22 parties need to conduct depositions, including plaintiff's taking of the deposition of defendant Serna.
 23 In addition, the parties need to resolve the issue of discovery of Officer Serna's personnel file records.

24 6. The parties request continuations of the trial date and pretrial deadlines as set forth
 25 above.

26 7. The Court in its September 28, 2007 Case Management Order ordered the parties to
 27 mediation within 120 days. Pursuant to stipulation of the parties, with the concurrence of Court-

1 appointed mediator Christopher Johns, the parties requested time for discovery that would be
2 necessary in order for mediation to be beneficial. The Court extended the deadline for mediation to
3 May 27, 2008. Other than the aforementioned, there have been no other modifications to the Case
4 Management order. No other dates will be affected by the requested changes.
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**SIGNATURE PAGE TO STIPULATION AND [PROPOSED] ORDER TO CONTINUE
TRIAL DATE AND RELATED PRETRIAL DEADLINES**

STIPULATED AND AGREED:

Dated: August 7, 2008

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
ROBERT BONTA
SEAN F. CONNOLLY
Deputy City Attorneys

By: _____/s/_____
ROBERT BONTA
Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
HEATHER FONG AND JESSE SERNA

Dated: August 7, 2008

LAW OFFICE OF JOHN L. BURRIS
JOHN L. BURRIS
BENJAMIN NISENBAUM

By: _____/s/_____
BENJAMIN NISENBAUM
Attorneys for Plaintiff
MARCO MAESTRINI

ORDER

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the trial date and pre-trial deadlines be continued as follows:

Deadline for Court-Ordered Mediation: Thursday, December 18, 2008

Non-Expert Discovery Cutoff: Monday, January 5, 2009

Dispositive Motions to Be Heard By: Wednesday, March 4, 2009

Disclosure of Experts (retained and non-retained): Monday, April 13, 2009

Disclosure of Rebuttal Experts: Wednesday, April 22, 2009

Expert Discovery Cutoff: Friday, May 22, 2009

Pretrial Conference: Thursday, June 18, 2009 at 2:30 p.m.

Trial Date: Monday, July 6, 2009 at 8:30 a.m., Courtroom 3, 17th Fl.

DATED: 8/28/08



REQUEST IS GRANTED BUT PARTIES ARE ADVISED THAT THREE OTHER TRIALS ARE SCHEDULED DURING THE 2-WEEK PERIOD NEEDED FOR THIS TRIAL AND THIS ONE WILL NOW BE IN LAST PLACE AND WILL TRAIL ANY OF THE OTHERS THAT ACTUALLY GO FORWARD.